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BAKER V. BUCKNER.—Decided at Richmond, March 21, 1901.—

Cardwell, J.

1. DELINQUENT TAXES—*Purchase by Commonwealth—Subsequent sale—Redemption.* Land purchased by the Commonwealth for delinquent taxes cannot be again sold for taxes. The only right or title which the former owner has in the land is the right of redemption provided by statute, which must be substantially followed.

DAVIS V. COMMONWEALTH.—Decided at Richmond, March 21, 1901.—*Cardwell, J.*

1. CRIMINAL LAW—*Indictment—Naming the person injured—Code, sec. 3997—Poisoning.* Section 3997 of the Code, declaring that “where an intent to injure, defraud or cheat is required to constitute an offence” it shall not be necessary to name, in an indictment, the name of the person intended to be injured, defrauded or cheated, applies to an indictment for an attempt to poison. The word “injure” is more apposite to the offence of poisoning or attempting to poison, than to forgery, cheating and like offences.

2. CRIMINAL LAW—*Evidence—Husband and wife—Competency—Code, sec. 3997.* On an indictment for attempt to poison a person who is named “and other persons,” the wife of the prisoner may be called to testify against him that the attempt was directed against her also, as she may be one of the “other persons” not necessary to be named under sec. 3997 of the Code.

3. CRIMINAL LAW—*Evidence—Husband and wife—Competency—Acts 1897-'8, p. 753.* At common law the wife was a competent witness to testify against her husband in relation to offences alleged to have been committed by him upon her, and this rule of the common law was not changed by the Act of March 3, 1898 (Acts 1897-'8, p. 753).

4. CRIMINAL LAW—*Circumstantial evidence—Weight.* Circumstances which tend to prove an offence and to connect a prisoner with it may be given in evidence against him. The test of their sufficiency is that the facts which the jury accept as approved can be reasonably accounted for only on the hypothesis of the prisoner's guilt, that they are consistent with his guilt and point to it so clearly as to satisfy the jury of it beyond a reasonable doubt.

BROADDUS V. ESSEX COUNTY SUPERVISORS.—Decided at Richmond, March 23, 1901.—*Buchanan, J.*

1. CLERK'S OFFICE—*Fire proof—Code, sec. 926, is mandatory.* The provision of sec. 926 of the Code that every clerk's office shall be fire-proof is mandatory, and if the duty thereby imposed is not observed it may be enforced by mandamus.

2. CLERK'S OFFICE—*Fire-proof building—Discretion—Mandamus.* What constitutes a fire-proof building involves some element of discretion, and when a board of supervisors have in good faith exercised their discretion, and erected what they intend to be, and believe is, a fire-proof clerk's office, they cannot be compelled to erect another to meet the views of others as to what is fire-proof. Mandamus will not lie to control the discretion of the board of supervisors in this respect, nor, in any case, to control the discretion of a functionary.